



**FDIC**

**Federal Deposit Insurance Corporation**

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May 9, 2013

**By Overnight Delivery**

The Honorable Robert B. Kugler  
United States District Court  
District of New Jersey  
Mitchell H. Cohen Building & U.S. Courthouse  
4th & Cooper Streets  
Room 1050  
Camden, NJ 08101

**RECEIVED**

**MAY 10 2013**

**ROBERT B. KUGLER  
U.S. DISTRICT JUDGE**

Re: *Vernon W. Hill, II, et al. v. Commerce Bancorp, LLC, et al.,*  
Civil Action No. 09-03685 (RBK)

Dear Judge Kugler:

The staff of the Federal Deposit Insurance Corporation ("FDIC") respectfully submits this letter in response to a ruling of the Court in the above-referenced matter on May 8, 2013. FDIC staff understands that the Court has temporarily sealed a document that the parties intend to introduce as evidence at trial, an April 15, 2013 certification of John C. Fisher ("Fisher Certification"), until May 10, 2013, at 5:00 p.m. The Fisher Certification is part of Commerce Bancorp, LLC's April 16, 2013 correspondence to staff of the FDIC, the Board of Governors of the Federal Reserve System, and the Office of the Comptroller of the Currency, which in its entirety had been designated as an "FDIC Document" pursuant to the Confidentiality Order Regarding FDIC Documents entered on April 19, 2013. FDIC staff further understands that the Court would entertain a motion to seal filed by FDIC staff regarding the Fisher Certification prior to the expiration of the temporary seal.

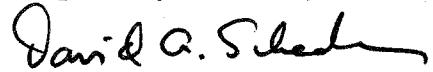
FDIC staff has considered the relevance of the Fisher Certification to the parties' litigation and the interests of justice, as required by 12 C.F.R. § 309.6(b)(8)(ii), and its obligation to take all practicable steps to protect the confidentiality of exempt records, pursuant to 12 C.F.R. § 309.6(b)(10). Pursuant to delegated authority, I have determined not to file a motion to seal with respect to the Fisher Certification.

FDIC staff respectfully limits this public disclosure authorization to the Fisher Certification. FDIC staff reserves all rights to protect other "FDIC Documents" from public disclosure in accordance with Part 309 of the FDIC's Rules and Regulations, 12 C.F.R. Part 309.

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Please do not hesitate to contact me at (781) 794-5615, or my colleague, Counsel Anne DeSimone, at (781) 794-5541, with any questions. FDIC staff appreciates the Court's time and consideration of this matter.

Respectfully submitted,



David A. Schecker  
Regional Counsel

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